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FISCAL IMPACT REPORT

SPONSOR Wallace **DATE TYPED** 03/09/05 **HB** 306/aHGUAC

SHORT TITLE Board and Commission Sunset Date Changes **SB** _____

ANALYST McSherry

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY05	FY06			
NFI	Indeterminate	Indeterminate	Recurring	Board and Commission funds/other state funds
NFI	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Revenue Decreases)

HB 306 is related to the following bills as they amend the statutes that are proposed to be continued in HB 306: HB 307, Military Planning Base Commission Members, HB 308 Speech Language Pathology Scope of Practice, HB 309 Athletic Trainer Licensing and Requirements, HB 311 Surface Mining Act Appeal Provisions, HB 312 Real Estate Broker Licensing Requirements, HB 313 Interior Design Licenses and Board Members, HB 314 Counseling Therapy Licenses and Practice, HB 315 Social Workers Licenses and Requirements, and HB 310 Legislative Appropriation of Certain Funds which specifies that funds are appropriated by the legislature for each of the boards and commissions.

SOURCES OF INFORMATION

LFC Files
 Regulations and Licensing
 New Mexico Environment Department
 Energy Minerals and Natural Resources Department
 Department of Labor
 NM Racing Commission

SUMMARY

Synopsis of House Government and Urban Affairs Committee Amendment

The House Government and Urban Affairs Committee amendment would provide that only the Coal Surface Mining Commission, rather than the Coal Surface Mining Act, would be considered under Sunset provisions.

Synopsis of Original Bill

House Bill 306 proposes to extend the life of nineteen specific boards and seven commissions. The twenty-six (26) boards and commissions would be extended pursuant to the provisions of the Sunset Act with periods of extension range from four to eleven years. This bill also removes three commissions, one committee and one board from the provisions of the Sunset Act: the Human Rights Commission, Crime Victims Reparation Commission, Construction Industries Commission, Manufactured Housing Committee, and New Mexico Livestock Board.

The following boards and commissions would be extended should HB 306 be enacted: Military Base Planning Commission, Labor and Industrial Commission, State Racing Commission, New Mexico Athletic Commission, Nutrition and Dietetics Practice Board, Counseling and Therapy Practice Board, Board of Examiners for Occupational Therapy, Massage Therapy Board, Board of Nursing Home Administrators, Board of Veterinary Medicine, Board of Acupuncture and Oriental Medicine, Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Board, Athletic Trainer Practice Board, Board of Examiners for Architects, Board of Barbers and Cosmetologists, State Board of Licensure for Professional Engineers and Surveyors, Board of Landscape Architects, Interior Design Board, Private Investigators and Polygraphers Advisory Board, New Mexico Public Accountancy Board, New Mexico Real Estate Commission, Real Estate Appraisers Board; Board of Social Work Examiners, Board of Thanatopractice, Coal Surface Mining Commission, and Water Quality Control Commission.

Attachment 1 demonstrates the proposed breakdown of future sunset dates for boards and commissions.

Significant Issues

The Energy Minerals and Natural Resources Department requested the amendment which was adopted by the Government and Urban Affairs Committee because portions of the Coal Surface Mining Act would still be carried out by the department should the commission sunset.

FISCAL IMPLICATIONS

Most of the Boards and Commissions are funded through revenues generated through license fees and other professional revenues. Some of the boards receive federal funds for specific projects as is described above by the Energy Minerals and Natural Resources Department. EMNRD cites that these particular grants total approximately \$2.5 million a year.

ADMINISTRATIVE IMPLICATIONS

Should any of the boards or commission not be continued, administrative duties for the maintenance of the board would cease. Some of the boards are independent and have their own staff, while others function under the administrative attachment to a department such as Regulations and Licensing or New Mexico Environment Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 306 is related to the following bills as they amend the statutes that are proposed to be continued in HB 306: HB 307, Military Planning Base Commission Members, HB 308 Speech Language Pathology Scope of Practice, HB 309 Athletic Trainer Licensing and Requirements, HB 311 Surface Mining Act Appeal Provisions, HB 312 Real Estate Broker Licensing Requirements, HB 313 Interior Design Licenses and Board Members, HB 314 Counseling Therapy Licenses and Practice, HB 315 Social Workers Licenses and Requirements, and HB 310 Legislative Appropriation of Certain Funds which specifies that funds are appropriated by the legislature for each of the boards and commissions.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The Boards and Commissions listed would sunset July 1, 2005 and terminate June 30, 2006.

The oversight of specific areas of responsibility with which the boards and commissions are tasked with would either cease, or would need to be reassigned elsewhere.

The Gaming Control Board asserts that failing to have any oversight in the specific areas over which the boards and commissions serve could adversely affect the public health and general welfare of the citizens of New Mexico as well as have an adverse affect on revenues generated for the state.

**EM/lg:njw
Attachment**

Attachment 1

Agency Code	Name	Current Statutory end date	RLD "Team" or other Grouping	Proposing Date Changes in 2004?	Next Sunset Date(s)	Max. number of years lapsed
420	Real Estate Appraisers Board	2006	service	yes	2012	6
420	Interior Design Board	2006	service	yes	2012	6
420	Thanatopractice Board	2006	service	yes	2012	6
420	Private Investigators and Polygraph Board	2006	service	yes	2012	6
404	Board of Examiners for Architects	2006	independent	yes	2012	6
464	State Board of Professional Engineers and Land Surveyors	2006	independent	yes	2012	6
469	State Racing Commission	2006	independent	yes	2012	6
479	Board of Veterinary Medicine	2006	independent	yes	2012	6
420	Athletic Commission	2006	albuquerque	yes	2012	6
420	Accountancy Board	2006	albuquerque	yes	2012	6
420	Real Estate Commission	2006	albuquerque	yes	2012	6
357	Office of Information and Communication Management	2010	z	no	2010/2014	4
420	NM Board of Barbers and Cosmetologists	2006	support	yes	2014	8
420	Nursing Home Administrators Board	2006	support	yes	2014	8
420	Landscape Architects Board	2006	support	yes	2014	8
667	Water Quality Control Commission	2006	NMED	yes	2014	8
631	Labor and Industrial Commission	2006	Labor	yes	2014	8
419	Military Base Planning Commission	2006	Economic Dev.	yes	2010/2014	4
521	Coal Surface Mining Commission/ACT	2006	EMNRD	yes	2014	8
420	Athletic Trainers Board	2006	therapy and wellness	yes	2016	10
420	Massage Therapy Board	2006	therapy and wellness	yes	2016	10
420	Counseling and Therapy Practice Board	2006	therapy and wellness	yes	2016	10
420	NM Board of Social Work Examiners	2006	therapy and wellness	yes	2016	10
420	Nutrition and Dietetics Board	2006	therapy and wellness	yes	2016	10
420	Board of Psychologist Examiners	2010	therapy and wellness	no	2010/2016	6
420	Board of Optometry	2010	therapy and wellness	no	2010/2016	6
420	Board Respiratory Care Practitioners	2010	therapy and wellness	no	2010/2016	6
420	Speech Language Pathology, Audiology and Hearing Aid Dispensers Board	2006	therapy and wellness	yes	2016	10
420	Occupational Therapy Board	2006	therapy and wellness	yes	2016	10
420	Acupuncture and Oriental Medicine Board	2006	medical	yes	2018	12
420	Napropathy Board	2012	medical	no	2012/2018	6
420	Board of Dental Health Care	2010	medical	no	2010/2018	8
420	Osteopathic Board	2010	medical	no	2010/2018	8
420	Board of Podiatry	2010	medical	no	2010/2018	8
420	Chiropractic Board	2010	medical	no	2010/2018	8
420	Physical Therapy Board	2010	medical	no	2010/2018	8
446	Board of Medical Examiners	2010	independent	no	2010/2018	8
449	Board of Nursing	2010	independent	no	2010/2018	8
420	Board of Pharmacy	2010	albuquerque	no	2010/2018	8
508	New Mexico Livestock Board	2006	NMDA	yes	no sunset	n/a
780	Crime Victims Reparation Commission	2006	independent	yes	no sunset	n/a
631	Human Rights Commission	2006	Human Rights Division	yes	no sunset	n/a
420	Manufactured Housing Division	2006	RLD Division	yes	no sunset	n/a
420	Construction Industries Division/Liquified&Compressed Gases Act	2006	RLD division	yes	no sunset	n/a